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VIA ECF

July 18, 2022

Honorable Loretta A. Preska
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: *Giuffre v. Dershowitz*, Case No.: 19-cv-03377-LAP
Submission Regarding Schedule for Completion of Discovery and Trial

Your Honor:

By this letter, Defendant Alan Dershowitz (“Prof. Dershowitz”) responds to the Court’s Order dated June 29, 2022 (ECF No. 481) requesting proposed dates for the completion of fact and expert discovery and for trial. The following is provided to facilitate discussion between the Parties and the Court regarding the schedule for the remainder of fact discovery, expert discovery, and trial. As discovery remains ongoing, Prof. Dershowitz necessarily reserves his right to seek to amend the suggested dates, as may be necessary.

I. Prof. Dershowitz’s Currently Anticipated Fact Witnesses

Prof. Dershowitz presently intends to offer testimony from the following fact witnesses at trial. It is anticipated that testimony from some of these witnesses may be offered by videotaped deposition, although the particulars of that are yet to be determined.

1. Prof. Dershowitz
2. Virginia Giuffre
3. Carolyn Cohen
4. Jim Bucknam
5. Sharon Churcher
6. John Zeiger
7. Leslie Wexner
8. Rebecca Boylan
9. Michael Spallholtz
10. Juan Alessi
11. Anthony Figueroa
12. Crystal Figueroa
13. Rina Oh
14. Carolyn Andriano
15. Rabbi Zvi Boyarsky
16. Lisa Scarabino



In addition, Prof. Dershowitz reserves the right to call any witness identified by Plaintiff, rebuttal witnesses, and custodian witnesses to the extent necessary, as well as additional witnesses based upon discovery yet to be conducted. As well, to the extent necessary to preserve his rights, Prof. Dershowitz will seek to present testimony from Sarah Ransome, Maria Farmer, and from the other men whom Plaintiff has alleged she was trafficked to, who have denied her allegation, and from whom the Court has denied Prof. Dershowitz the opportunity to take discovery or offer evidence.

II. Prof. Dershowitz's Currently Anticipated Expert Witnesses

Prof. Dershowitz presently intends to offer expert witnesses to testify on the topics listed below. It is possible that more than one of these subjects will be addressed by the same expert.

1. Mental health experts (forensic psychiatrist and/or forensic psychologist) regarding Plaintiff's claimed adverse mental health effects;
2. Medical expert regarding Plaintiff's claimed adverse physical health effects;
3. Medical expert regarding Defendant's physical and related damages;
4. Expert regarding memory; and
5. Expert regarding reputational damages.

Prof. Dershowitz reserves the right to disclose rebuttal experts in response to each of Plaintiff's experts and to disclose experts in additional categories based on remaining fact discovery. Prof. Dershowitz also reserves the right to challenge the admissibility of Plaintiff's designated experts under *Daubert* or on other grounds.

Prof. Dershowitz anticipates that the experts opining on Plaintiff's physical and mental health will require one or more Independent Medical Exams to conduct their analyses, for which Plaintiff will need to travel to the United States. Additionally, Prof. Dershowitz caveats that availability of the experts being considered will, in part, depend on their availability on the trial dates set by the Court.

III. Proposed Fact and Expert Discovery Deadlines and Trial Date

In view of the amount of discovery which remains to be completed, including between 10 and 15 additional fact depositions, expert disclosures, and depositions of 6 to 10 expert witnesses, as well as *Daubert* motion practice, potential summary judgment practice, and other pre-trial motion practice, the parties agree that the earliest the case will be ready for trial is March 2023. Lead counsel Howard Cooper's trial schedule (addressed below), and the present uncertainty surrounding Plaintiff's ability to travel to the United States both to submit to an Independent Medical Exam(s), and for trial, also factor into this proposed schedule.

Working back from a proposed trial date in March 2023, the parties agree to the following discovery deadlines:



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Fact discovery deadline: November 30, 2022
Expert discovery deadline: February 15, 2023

Obviously, adherence to these deadlines will depend on the ability of Plaintiff to travel to the United States in order to submit to an in-person Independent Medical Exam.

IV. List of Dates During Which Counsel is Unavailable for Trial

Counsel for Prof. Dershowitz currently have the following conflicts:

Howard Cooper will be on trial in *Compass Medical v. Steward Medical Group* beginning on September 12, 2022 in the Massachusetts Superior Court, Business Litigation Session. The trial is anticipated to last 3-4 weeks.

Howard Cooper is scheduled to be on trial in *Chiocca v. Town of Rockland* in the United States District Court for the District of Massachusetts (Young, J.) beginning in October. Judge Young employs a rolling trial list, with this trial currently projected to begin as early as October and last for 2-3 weeks.

Howard Cooper is scheduled to be on trial in *Zappala v. Steward Medical Group* beginning on January 19, 2023 in the Massachusetts Superior Court, Business Litigation Session. The trial is anticipated to last 3-4 weeks.

Respectfully submitted,

/s/ Christian G. Kiely
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cc: All counsel of record, via ECF